

SURETY BOND

Bond # 3348335  
Civil Action No. 10-cv-3229 (KBF)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

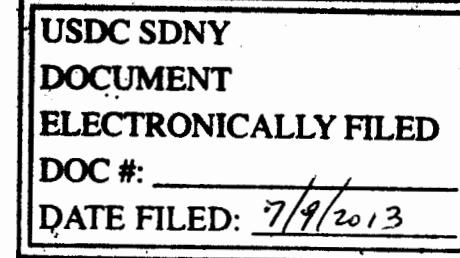
SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

FABRICE TOURRE,

Defendant.



KNOW ALL MEN BY THESE PRESENTS, That we, Allen & Overy LLP of 1221 Avenue of the Americas, New York, N.Y. 10034, as Principal, and SureTec Insurance Company, as Surety, are held and firmly bound unto Keith Gorman in the sum of Fifteen Thousand and No/100-----(\$15,000.00) Dollars for the payment of which the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed and sealed this 3<sup>rd</sup> day of July, 2013.

WHEREAS, the Principal is required to provide a bond in the above-mentioned sum of \$15,000.00 to cover the reasonable travel and accommodation expenses for Keith Gorman by Proposed Order dated July 1, 2013;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden Principal shall well and truly abide by the court order by covering the reasonable travel and accommodation expenses of Keith Gorman up to the amount of \$15,000.00, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

IN NO EVENT shall the liability of SureTec Insurance Company exceed the amount of Fifteen Thousand and No/100----(\$15,000.00) Dollars.

Dated: July 3, 2013.

APPROVED 7/9/2013

RUBY J. KRAJICK  
CLERK OF COURT

BY

Deputy Clerk

SureTec Insurance Company

Thomas M. Whittemore  
Attorney in Fact

**ACKNOWLEDGEMENT OF SURETY**

STATE OF New Jersey )

Bond No. 3348335

COUNTY OF Morris )

On this 1st day of July, in the year 2013, before me personally comes THOMAS M. WHITTEMORE, Attorney-In-Fact of SureTec Insurance Company, with whom I am personally acquainted, and who, being by me duly sworn, says that he resides at 46 Main Street, Netcong, New Jersey 07857, that he is the Attorney-In-Fact of SureTec Insurance Company, the company described in and which executed the within instrument; that he knows the corporate seal of such Company; and that the seal affixed to the within instrument is such corporate seal and that it was affixed by order of the Board of Directors of said Company, and that he signed said instrument as Attorney-In-Fact of the said Company by like order.

Caroline G. Sammarco  
Notary Public

My commission expires: August 16, 2018

POA #: 3010001

# **SureTec Insurance Company**

## **LIMITED POWER OF ATTORNEY**

***Know All Men by These Presents,*** That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Thomas M. Whittemore

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Three Million and 00/100 Dollars (\$3,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 12/31/2015 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

*Be it Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

**Attorney-in-Fact** may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such **Attorney-in-Fact** shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be it Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. *(Adopted at a meeting held on 20<sup>th</sup> of April, 1999.)*

*In Witness Whereof*, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

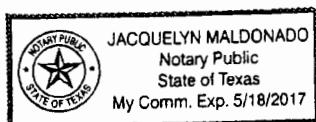
**SURETEC INSURANCE COMPANY**

By: John Knox Jr., President

State of Texas  
County of Harris



On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



  
**Jacquelyn Maldonado, Notary Public**  
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 1<sup>st</sup> day of July, 2013, A.D.

M. Brent Beatty

Any instrument issued in excess of the penalty stated above is totally void and without any validity.  
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.

**SURETEC INSURANCE COMPANY**  
**1330 Post Oak Blvd., Suite 1100**  
**Houston, Texas 77056**  
**(713) 812-0800**

**Financial Information:**

As of:	Dec. 31, 2010	Dec. 31, 2011	Dec. 31, 2012
<b>Total Assets</b>	<b>\$115,996,536</b>	<b>\$122,816,131</b>	<b>\$150,313,814</b>
<b>Total Liabilities</b>	<b>\$48,595,961</b>	<b>\$56,368,950</b>	<b>\$78,014,698</b>
<b>Asset to Liability Ratio</b>	<b>2.3</b>	<b>2.1</b>	<b>1.9</b>
<b>Capital</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>
<b>Net Surplus</b>	<b>\$62,400,576</b>	<b>\$61,447,182</b>	<b>\$67,299,115</b>
<b>Net Life Ins</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**Premiums:**

As of:	Dec. 31, 2010	Dec. 31, 2011	Dec. 31, 2012
<b>Life and Annuities</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Accident and Health</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Property and Casualty</b>	<b>\$22,482,231</b>	<b>\$18,257,067</b>	<b>\$18,692,583</b>
<b>Total Texas Premium</b>	<b>\$22,482,231</b>	<b>\$18,257,067</b>	<b>\$18,692,583</b>
<b>National Premium</b>	<b>\$46,273,274</b>	<b>\$50,023,232</b>	<b>\$51,843,573</b>

**State of New York**

**DEPARTMENT OF FINANCIAL SERVICES**

**WHEREAS IT APPEARS THAT**

**SureTec Insurance Company**

**Home Office Address** Houston, Texas

**Organized under the Laws of** Texas

**has complied with the necessary requirements of or pursuant to law, it is hereby**

**licensed to do within this State the business of**

personal injury liability, property damage liability and fidelity and surety insurance, as specified in paragraph (s) 13, 14 and 16 of Section 1113(a) of the New York Insurance Law to the extent permitted by certified copy of its charter document on file in this Department until July 1, 2013.

In Witness Whereof, I have hereunto set  
my hand and affixed the official seal of this  
Department at the City of Albany, New York, this  
1st day of July, 2012

Benjamin M. Lawsky  
Superintendent

By

*Jacqueline Catalfamo*

Jacqueline Catalfamo  
Special Deputy Superintendent



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

FABRICE TOURRE,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 7/1/13

: Civil Action  
: No.: 10-cv-3229 (KBF)  
: PROPOSED ORDER

x

IT IS HEREBY ORDERED that a subpoena shall issue pursuant to 28 U.S.C. Section 1783 commanding Keith Gorman ("Mr. Gorman") to appear for testimony at trial; and  
IT IS FURTHER ORDERED that counsel for Mr. Gorman accept service of the subpoena; and

IT IS FURTHER ORDERED that counsel for Mr. Tourre post a bond in the amount of \$15,000 to cover reasonable travel and accommodation expenses for Mr. Gorman related to his testimony as a trial witness.

July 1,  
Dated: June \_\_\_\_\_, 2013  
New York, New York

*Katherine B. Forrest*

Katherine B. Forrest  
United States District Judge